

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

REPUTATION.COM, INC.,)
)
Plaintiff,)
)
v.) C.A. No. 21-129 (LPS)
)
BIRDEYE, INC.,)
)
Defendant.)

**SCHEDULING ORDER FOR
PRELIMINARY INJUNCTION AND MOTION TO DISMISS PROCEEDINGS**

This 8th day of April, 2021, the Court having conducted a Conference concerning scheduling and planning for proceeding regarding Reputation.com, Inc.’s (“Reputation”) Motion for Preliminary Injunction (“PI Motion”) and Birdeye, Inc.’s (“Birdeye”) anticipated Motion to Dismiss based on 35 U.S.C. § 101 (“MTD”) in this matter, and having ordered the parties to submit a proposed schedule to provide the parties and the Court the opportunity to obtain the full record and briefing needed to permit a fair and timely resolution of the PI Motion and the MTD;

IT IS HEREBY ORDERED that, subject to any subsequent order of the Court, the following schedule shall govern the preliminary injunction proceeding in this matter:

Event	Date
Birdeye may file its MTD	Fri., Apr. 9, 2021
Birdeye to file Response in opposition to Reputation’s PI Motion	Tues., Apr. 20, 2021
Deadline to serve PI discovery (i.e., requests for production, interrogatories, and/or requests for admission)	Mon., Apr. 26, 2021
Reputation to file Response in Opposition to Birdeye’s MTD	14 days after filing of Birdeye’s MTD
Birdeye to file Reply in support of its MTD	7 days after filing of Reputation’s Response in Opposition to Birdeye’s MTD
Deadline to serve responses to PI discovery requests (i.e., requests for production, interrogatories, and/or requests for admission)	Mon., May 10, 2021

Event	Date
Deadline to produce documents and privilege logs (if applicable)	Wed., May 26, 2021
Deadline to serve notices of depositions	Fri., June 4, 2021
Deadline to complete depositions	Fri., June 25, 2021
Parties simultaneously file post-discovery supplemental briefs on Reputation's PI Motion (not to exceed 10 pages, double spaced)	Fri., July 16, 2021
Parties simultaneously file reply briefs on Reputation's PI Motion (not to exceed 5 pages, double spaced)	Fri., July 23, 2021
Hearing on Reputation's PI Motion and Birdeye's MTD	Wed., Aug.4, 2021, at 11:00 am

Limits on PI discovery. Each Party may serve up to 5 requests for production, up to 5 interrogatories, and up to 10 requests for admission, and each Party may take up to two depositions (which may include a Rule 30(b)(6) deposition). Absent leave of Court, the Parties may not submit new expert declarations after their respective opening and answering briefs with regard to the issues on which they bear the burden of proof. The scope of PI discovery must fall within what is asserted in Reputation's PI Motion and supporting submissions, or what is asserted in Birdeye's response in opposition to Reputation's PI Motion and supporting submissions.

July 28, 2021 Hearing. The hearing scheduled for August 4, 2021 at 11:00 am will address both the PI Motion and the MTD, and will be conducted by videoconference.

POLSINELLI PC

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April 7, 2021

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The Honorable Christopher J. Burke
United States Magistrate Judge